



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/447,284	11/23/1999	QINGHONG CAO	Cao 2-2-11-11-6	3630
46900 7590 10/31/2008 MENDELSON & ASSOCIATES, P.C. 1500 JOHN F. KENNEDY BLVD., SUITE 405 PHILADELPHIA, PA 19102				
EXAMINER LY, NGHI H				
ART UNIT 2617		PAPER NUMBER		
MAIL DATE 10/31/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/447,284

Applicant(s)

CAO ET AL.

Examiner

Nghi H. Ly

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5, 9, 10, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 9, 10, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 10/07/2008.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (JP07212829A) in view of Borland et al (US 6,556,965) and further in view of Young, III (US 5,694,467).

Regarding claim 1, Sato teaches a cordless telephone (see Title and Abstract), comprising: a remote handset (see Drawing handset 37), a base unit matched to the remote handset (see Drawing base unit 24), and an audio player integrated within at least one of the remote handset and the base unit (see Title, Abstract and Detailed Description).

Sato does not specifically disclose an MPEG audio integrated within at least one of the remote handset and the base unit.

Borland teaches an MPEG audio integrated within at least one of the remote handset and the base unit (see Abstract, column 5, lines 37-40, column 4, lines 7-21, "MP3", and column 4, lines 48-66, "MPEG" and "MP3", also see column 3, line 65 to column 4, line 7, "MPEG" and see column 5, lines 24-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Borland into the system of Sato in order to provide high quality audio signal (see Borland, Abstract).

The combination of Sato and Borland does not specifically disclose a summer to digitally sum a digitally synthesized ring tone with an audio bit stream to allow a user of said cordless telephone to hear said cordless telephone ringing along with music.

Young teaches a summer to digitally sum a digitally synthesized ring tone with an audio bit stream to allow a user of said cordless telephone to hear said cordless telephone ringing along with music (see column 3, lines 18-21, column 4, lines 27-34, see "the present invention would operate identically with digital or other type telephones", also see Abstract and column 2, lines 9-24, see "a user headset is connected to a mixer with audio input from a Music Source, a mic detecting ambient noise, and a ring tone from the phone").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Young into the system of Sato

and Borland in order to improve in sound headset systems and telephone headset systems (see Young, column 1, lines 7-9).

Regarding claim 2, the combination of Sato, Borland and Young teaches the MPEG audio player is integrated within the remote handset (see Sato, Title, Abstract and Detailed Description, and/or see Borland, column 5, lines 24-28).

Regarding claims 4 and 5, the combination of Sato, Borland and Young further teaches the MPEG audio player is an MP3 (see Borland, Abstract, "MP3", column 4, lines 7-21, "MP3").

4 Claims 9, 10, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (JP07212829A) in view of Borland et al (US 6,556,965) and further in view of Young, III (US 5,694,467) and Tuoriniemi et al (US 5,978,689).

Regarding claims 9 and 19, Sato teaches a method of integrating an MPEG audio player in a cordless telephone (see Title and Abstract) comprising: playing of the pre-loaded music from the remote handset of a cordless telephone (see Title, Abstract and Detailed Description), connecting a base unit of the cordless telephone to a public switch telephone network (the base unit of cordless telephone of Sato inherently connect to a public switch telephone network).

Sato does not specifically disclose a method of integrating an MPEG audio player in a cordless telephone and playing of the pre-loaded MP3.

Borland teaches a method of integrating an MPEG audio player in a cordless telephone and playing of the pre-loaded MP3 (see column 5, lines 24-28 and column 4,

lines 27-33, see "storage in portable systems" and column 4, lines 43-47, see "playback").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Borland into the system of Sato in order to provide high quality audio signal (see Borland, Abstract).

The combination of Sato and Borland does not specifically disclose digitally summing a digitally synthesized ring tone with an audio bit stream to allow a user of said cordless telephone to hear said cordless telephone ringing along with music.

Young teaches digitally summing a digitally synthesized ring tone with an audio bit stream to allow a user of said cordless telephone to hear said cordless telephone ringing along with music (see column 3, lines 18-21, column 4, lines 27-34, see "the present invention would operate identically with digital or other type telephones", also see Abstract and column 2, lines 9-24, see "a user headset is connected to a mixer with audio input from a Music Source, a mic detecting ambient noise, and a ring tone from the phone"), muting the playing of the music by an action initiated by a user (see column 2, lines 25-41 and Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Young into the system of Sato, and Borland in order to improve in sound headset systems and telephone headset systems (see Young, column 1, lines 7-9).

The combination of Sato, Borland and Young does not specifically disclose muting the playing of the pre-loaded music when the remote handset is active in a current telephone call.

Tuoriniemi teaches muting the playing of the pre-loaded music (see column 9, lines 17-20) when the remote handset is active in a current telephone call (see column 7, lines 49-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tuoriniemi into the system of Sato, Borland and Young so that the user won't miss the telephone call while enjoy listening to music.

Regarding claims 10 and 20, the combination of Sato, Borland, Young and Tuoriniemi further teaches muting pauses the playing of the pre-loaded music (see Tuoriniemi, column 9, lines 17-20).

Response to Arguments

5. Applicant's arguments filed 07/14/08 have been fully considered but they are not persuasive.

On page 6 of applicant's remarks, applicant argues that Young's mixer is an analog mixer that inputs an analog ring tone, not a synthesized ring tone, as recited by claims 1, 2, 4, 5 and 29. Neither of the music source, the microphone signal, nor the ring tone from Young are digital signals. Yong fails to disclose, teach or suggest use of summation, much less digitally summing a digital synthesized ring tone with an

MP3 audio bit stream and MPEG audio bit stream to allow a user of a cordless telephone to hear the cordless telephone ringing along with music, as recited by claims 1, 2, 4, 5 and 29.

In response, Young does indeed teach summing a digital synthesized ring tone with an MP3 audio bit stream and MPEG audio bit stream to allow a user of a cordless telephone to hear the cordless telephone ringing along with music (see column 3, lines 18-21, column 4, lines 27-34, see “the present invention would operate identically with digital or other type telephones”, also see Abstract and column 2, lines 9-24, see “a user headset is connected to a mixer with audio input from a Music Source, a mic detecting ambient noise, and a ring tone from the phone”), and the combination of Sato, Borland, and Young does indeed teach applicant’s claimed limitations as recited in claims 1, 2, 4 and 5. In addition, claim 29 has been cancelled.

On pages 7 and 8 of applicant’s remarks, applicant argues that Tuoriniemi fails to disclose, teach or suggest any ring tone, much less a digitally synthesized ring tone, much less digitally summing a digitally synthesized ring tone with an MP3 audio bit stream and MPEG audio bit stream to allow a user of a cordless telephone to hear the cordless telephone ringing along with music, as recited by claims 9, 10, 19 and 20.

In response, Young does indeed teach ring tone, a digitally synthesized ring tone, digitally summing a digitally synthesized ring tone with an audio bit stream and audio bit stream to allow a user of a cordless telephone to hear the cordless telephone ringing along with music (see column 3, lines 18-21, column 4, lines 27-34, see “the present invention would operate identically with digital or other type telephones”, also

see Abstract and column 2, lines 9-24, see "a user headset is connected to a mixer with audio input from a Music Source, a mic detecting ambient noise, and a ring tone from the phone"), Borland teaches an MPEG audio integrated within at least one of the remote handset and the base unit (see Abstract, column 5, lines 37-40, column 4, lines 7-21, "MP3", and column 4, lines 48-66, "MPEG" and "MP3", also see column 3, line 65 to column 4, line 7, "MPEG" and see column 5, lines 24-28), and the combination of Sato, Borland, Young and Tuoriniemi does indeed teach applicant's claimed limitations as recited in claims 9, 10, 19 and 20.

In addition, Tuoriniemi (see column 6, lines 39-54), where Tuoriniemi teaches "This combined system of digital cellular telephone and audio device gives a user a hands-free option and virtually ultimate mobility to listen to an audio program while being able to hear telephone audio ring signals and initiate telephone calls through a common headset".

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGHI H. LY whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617